

REMARKS

Claims 7, 9, 11 and 13-14 are pending in this application. By this Amendment, claims 8, 10 and 12 are canceled without prejudice to or disclaimer of the subject matter contained therein, and claims 7, 11 and 13 are amended. The subject matter of now-canceled claim 8 has been incorporated into claim 7. The subject matter of now-canceled claim 12 has been incorporated into claim 11. No new matter is added.

Section 102/103 Rejections

The Office Action rejects claim 7 under 35 U.S.C. § 102(b) as being anticipated by Shibata et al. (JP 04-042582). This rejection is rendered moot with the incorporation of the subject matter of claim 8 into claim 7. Reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. § 102(b) are thus respectfully requested.

The Office Action also rejects claims 8-10 under 35 U.S.C. § 103(a) as being obvious over Shibata et al. in view of: JP 4-116162. This rejection is traversed as it may apply to claims 7 and 9-10.

Present claims 7 and 9, as amended, require that side surfaces of the pellet are rough surfaces.

The Office Action asserts that "it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Shibata to include the side surfaces, as taught by JP (4-116162), so as to increase the light emitting surfaces."

First, however, JP (4-116162) nowhere teaches increasing light emitting surfaces. Second, neither Shibata nor JP (4-116162) teaches or suggests the inclusion of light emitting surfaces on side surfaces. Thus, modifying Shibata to include such side surfaces, if possible, would not have resulted in an increase in light emitting surfaces.

Therefore, the combination of Shibata and JP (4-116162) would not result in an increase in the light emitting surfaces, as asserted by the Examiner. Thus, Applicants respectfully submit that no teaching, suggestion or proper motivation has been shown to combine the teachings of Shibata and JP (4-116162). Further, even if Shibata and JP (4-116162) were to have been combined (which they would not have been for the reasons discussed above), a resulting light emitting diode array would not have been expected to include a pellet having a major front surface and side surfaces that are rough surfaces without substantial and non-obvious modification to the Shibata light emitting array.

Thus, for at least the above reasons, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 103(a) are thus respectfully requested.

The Office Action also rejects claims 11-12 and 14 under 35 U.S.C. § 103(a) as being obvious over Shibata et al. in view of Nishiwaki et al. (JP 59-85868). The Office Action also rejects claim 13 under 35 U.S.C. § 103(a) as being obvious over Shibata et al. in view of Nishiwaki et al. and further in view of Kinoshita et al. (U.S. Patent No. 5,173,130). These rejections are traversed as they may apply to the amended claims.

As amended, present claims 11 and 13-14 require a "fabrication process for a light emitting diode having a pellet, a major front surface of which is made of a GaAsP mixed crystal, characterized in that the pellet is treated with an etching solution of an aqueous solution containing Br₂, nitric acid, hydrofluoric acid and acetic acid or I₂, nitric acid, hydrofluoric acid and acetic acid to form fine projections on at least the major front surface of the pellet" (claim 11).

The applied references are silent regarding forming fine projections on at least the major surface of the pellet by treating with an etching solution of an aqueous solution containing Br₂, nitric acid, hydrofluoric acid and acetic acid or I₂, nitric acid, hydrofluoric

acid and acetic acid. Thus, Applicants respectfully submit that claims 11, 13 and 14, which require such a solution, are patentable for at least this reason.

Thus, reconsideration and withdrawal of the rejection of claims 11-12 and 14 under 35 U.S.C. § 103(a) are thus respectfully requested.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 referencing Attorney Docket No. 107242-00005.

Respectfully submitted,

A handwritten signature in dark ink, reading "Robert K. Carpenter", is written over a horizontal line.

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